



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**RSA No.209 of 2023**

***Pratap Keshari Mohanty***

.....

***Appellant***

Represented By Adv. -  
Bibekananda Bhuyan

*-versus-*

***Suresh Chandra Panda***

.....

***Respondent***

Represented By Adv.  
- Prasanna Ku. Panda

**CORAM:**

**THE HON'BLE MR. JUSTICE D.DASH**

**ORDER**

**20.06.2024**

**RSA No.209 of 2023,  
RSA No.211 of 2023,  
RSA No.212 of 2023,  
&  
RSA No.213 of 2023**

**Order No.**

04. 1. This Appeal is listed today under the heading “*To Be Mentioned*” and taken up through hybrid mode.

2. Having received the required clarification from the learned Counsel for the parties and considering the submissions made on the earlier occasion, the Appeals are admitted to answer the following substantial questions of law:-

- i. Whether the Courts below are justified in recording the conclusion regarding the title



over the suit property i.e. a portion of Hal Plot No.187 area Ac0.006 dec. out of Ac0.079 dec. when it is established that the respondent No.1 has only purchased Ac0.066 dec. in Ext.10 towards land and Ac0.011 dec.2 Kadis towards road along with other persons and the said road plot has been separately carved out as Hal Plot No.189 and recorded in his name along with his other co-sharers?

- ii. Whether the Learned Courts below are justified in dismissing the suit of the Appellant when it is established by virtue of registered sale deed vide Ext.18, the Appellant has purchased Ac0.012 dec. of land which includes Ac0.006 dec. of land out of hal plot no.187 on the basis of that the same is part and parcel of Sabik Plot No.3419.
- iii. Whether a tenant who claims to have acquired better title and surrendered the tenancy on 1.7.2011 is debarred from acquiring title over the said property or to establish title on the same having acquired it through registered sale deed dtd.26.11.2011 vide Ext.18 and stopped from questioning the title of his previous owner?



3. List this matter along with RSA Nos.211, 212 & 213 of 2023 after three weeks before the assigned Bench for hearing on merit.

***(D. Dash)***  
***Judge***

***Gitanjali***